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Chubb National Insurance Company

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

AMIT ITSHAIK and 118 INDIANA PLACE, LLC,

Plaintiffs,

v.

CHUBB NATIONAL INSURANCE COMPANY,
Defendant.

Civil Action No. _____

NOTICE OF REMOVAL

Document Electronically Filed

**TO: THE HONORABLE JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

PLEASE TAKE NOTICE that Defendant Chubb National Insurance Company by and through their counsel, Mound Cotton Wollan & Greengrass, LLP, respectfully request that this action, captioned as *Amit Itshaik and 118 Indiana Place, LLC v. Chubb National Insurance Company*, Index No. 51189/2025, be removed from the Supreme Court of New York, County of Kings, to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 based on this Court's diversity jurisdiction. In support of this Notice of Removal, Defendant states upon information and belief as follows:

I. NOTICE OF REMOVAL IS TIMELY FILED

1. On April 8, 2025, Plaintiffs Amit Itshaik and 118 Indiana Place, LLC (“Plaintiffs”) filed suit against Defendant Chubb National Insurance Company (“Defendant” or “Chubb National”) in the Supreme Court of the State of New York, County of Kings, under Index No. 51189/2025 (the “State Court Action”).

2. A copy of Plaintiff’s Summons and Complaint, together with a copy of all process, pleadings, and orders served upon the Defendant in the State Court Action, as required by 28 U.S.C. § 1446(a), is attached as Exhibit A.

3. On April 15, 2025, the Defendant was served with a copy of the Summons and Complaint via substituted service of process on the Superintendent of the New York State Department of Financial Services. *See* Ex. A.

4. Defendant timely filed this Notice of Removal within thirty (30) days of service of the State Court Action. *See* § 1446(b)(1).

II. THE NAMED PARTIES

5. Upon information and belief, Plaintiff Amit Itshaik is a resident of the State of New York, residing at 118 Indiana Place, Brooklyn, NY 11234. *See* Ex. A, Compl. at ¶1.

6. Upon information and belief, Plaintiff 118 Indiana Place, LLC is a New York limited liability company, whose principal place of business is 118 Indiana Place, Brooklyn, NY 11234. *See* Ex. A, Compl. at ¶2.

7. Chubb National is incorporated under the laws of the State of Indiana and maintains its principal place of business in New Jersey.

III. FACTUAL BACKGROUND

8. According to public tax records, Plaintiff 118 Indiana Place, LLC is the owner of the property located at 118 Indiana Place, Brooklyn, New York, attached hereto at Exhibit B.

9. Plaintiffs allege they own and/or hold an insurable interest in the property located at 118 Indiana Place, Brooklyn, New York *See* Ex. A, Compl. at ¶5.

10. Chubb National issued to Plaintiff Amit Itshaik a homeowners insurance policy number 001386244402, insuring the property located at 118 Indiana Place, Brooklyn, New York, effective July 6, 2024 to July 6, 2025, subject to all of the terms, conditions, limitations, and exclusions contained therein (“Chubb National Policy”). *See* Ex. A, Compl. at ¶8.

11. The Chubb National Policy identifies Plaintiff 118 Indiana Place, LLC as holding an additional interest in the house located at 118 Indiana Place, Brooklyn, New York.

12. According to the Complaint, on or about October 18, 2024, Plaintiffs allege that the property located at 118 Indiana Place, Brooklyn, New York sustained a covered loss under the Chubb National Policy attributed to “high impact and vibration activities from a construction site adjacent to and/or in close proximity.” *See* Ex. A, Compl. at ¶¶10-12.

13. According to the Complaint, Plaintiffs allege that after the loss occurred, the Plaintiffs submitted a claim to the Defendant. *See* Ex. A, Compl. at ¶13.

14. According to the Complaint, Plaintiffs allege that the Defendant denied the claim on or about December 6, 2024, refusing to indemnify the Plaintiffs for their losses. *See* Ex. A, Compl. at ¶¶20.

III. THIS COURT HAS JURISDICTION OVER THIS MATTER

15. The State Court Action is a civil action within the meaning of 28 U.S.C. §§ 1441(a) and 1446(b).

16. This Court has original subject matter jurisdiction over this action under 28 U.S.C. § 1332(a) because there may be complete diversity of citizenship between all properly joined

parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Therefore, this action is removable under 28 U.S.C. § 1441(a).

A. COMPLETE DIVERSITY OF CITIZENSHIP

17. Plaintiff Amit Itshaik is a resident of the State of New York and therefore a citizen of the State of New York purposes of determining diversity. *See* Ex. A, Compl. at ¶1.

18. The Complaint does not plead the place(s) of citizenship of the members of 119 Indiana Place, LLC, beyond asserting that it is a New York limited liability company, with its principal 118 Indiana Place, Brooklyn, NY 11234. *See* Ex. A, Compl. at ¶2.

19. Upon information and belief, the purpose of 118 Indiana Place, LLC is to own the property located 118 Indiana Place, Brooklyn, NY 11234.

20. Pursuant to Local Rule 81.1, after a reasonable investigation of the publicly available New York corporate records, Defendant is unable to determine who are the members of 119 Indiana Place, LLC. *See* 118 Indiana Place, LLC formation document, attached as Exhibit C.

21. Chubb National is incorporated under the laws of Indiana and maintains its principal place of business in New Jersey. As such, Chubb National is a citizen of Indiana and New Jersey for purposes of determining diversity under 28 U.S.C § 1332(c)(1).

22. Complete diversity of the parties under 28 U.S.C § 1332(a) would exist if the Plaintiff 118 Indiana Place, LLC (a New York limited liability company) does not have any members who are citizens of Indiana or New Jersey.

23. It is respectfully submitted that it is within this Court's discretion to permit limited jurisdictional discovery to determine the citizenship of the members of a limited liability company. *See Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc.*, 943 F.3d 613, 617–18 (2d Cir. 2019).

24. To confirm that removal is appropriate pursuant to 28 U.S.C. § 1441(a), it is respectfully requested that this Honorable Court permit limited jurisdictional discovery be conducted to determine the citizenship of the members of 119 Indiana Place, LLC.

B. AMOUNT IN CONTROVERSY EXCEEDS \$75,000

25. Plaintiffs' Complaint alleges three causes of action (breach of contract, violation of general business law, and declaratory relief) against Defendant in connection with Plaintiffs' insurance claim.

26. According to the Complaint, Plaintiff alleges damages from Defendant in excess of \$1,000,000 which satisfies the amount in controversy requirement of 28 U.S.C § 1332(a) as the amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. See Ex. A, Compl. at ¶¶40.

IV. VENUE IS APPROPRIATE

27. The Supreme Court of New York, County of Kings, is located within the United States District Court for the Eastern District of New York. Therefore, venue in this Court is proper because it is the "district court of the United States for the district and division embracing the place where such action is pending." *See* 28 U.S.C. § 1441(a).

V. DEFENDANT PROVIDED APPROPRIATE NOTICE

28. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal is being filed via e-courts with the Clerk of the Supreme Court of New York, County of Kings, in the State Action, and is being served upon counsel of record for Plaintiffs.

29. By filing this Notice of Removal, Defendant does not waive any defects in service of process, venue, or personal jurisdiction, nor does it waive any other defenses available under applicable state law and/or the Federal Rules of Civil Procedure.

Dated: May 14, 2025

Respectfully submitted,

MOUND COTTON WOLLAN &
GREENGRASS LLP



By: _____

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